756.

SUPREME COURT OF THE UNITED STATES.

No. 79.

ELIZABETH K. CARTWRIGHT, PLAINTIFF IN ERROR,

VS.

ALEXANDER T. HOWE, GEORGE T. RICHARDS, AND WM. RICHARDS.

IN ERROR TO THE CIRCUIT COURT U. S. FOR WASHINGTON, D. C.

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S. D. Langtree, Print.

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Know all men by these presents, that we, Elizabeth Cartwright, William B. Scott and William Plater, are held and firmly bound unto Alexander T. Howe, George T. Richards and William Richards, in the full and just sum of four thousand dollars current money of the United States, to be paid to the said Alexander T. Howe, George T. Richards and William Richards, their certain attorney, executors, administrators or assigns, to which payment, well and truly to be made and done, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this twenty-seventh day of April, 1841.

Whereas, lately at a Circuit Court of the United States, for the District of Columbia, sitting for the County of Washington, in a suit pending in the said court, wherein the said Elizabeth Cartwright was plaintiff, and the said Alexander T. Howe, George T. Richards and William Richards were defendants, judgment was rendered against the said plaintiff, and she having obtained a writ of error, and filed a copy thereof in the clerk's office of the said Circuit Court, to reverse the judgment in the aforesaid suit, and a citation directed to the said defendants, citing and admonishing them to be and appear at a Supreme Court of the United to be holden at Washington, on the first Monday of August next.

Now, the condition of the above obligation is such, that if the said Elizabeth Cartwright shall prosecute her said writ to effect, and answer all damages and costs if she fails to make her plea good, then the above obligation to be null and void, otherwise to be and remain full force and virtue in law.

WM. B. SCOTT, [L. S.]
WILLIAM PLATER, [L. S.]

Signed, sealed and delivered in the presence of
H'Y. HAW, as to W. B. Scott.
R. J. BRENT, as to W. Plater.

Approved by order of court.

Copy—Test: W. BRENT, *Cl'k.*

DISTRICT OF COLUMBIA, *to wit:*

The United States of America, to Alexander T. Howe, George T. Richards and William Richards, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, on the first Monday of August next, pursuant to a writ of error filed in the clerk's office of the

Circuit Court of the United States, for the District of Columbia, in the County of Washington, wherein Elizabeth Cartwright is plaintiff in error, and you are defendants in error, to shew cause, if any there be, why judgment rendered against the said Elizabeth Cartwright should not be corrected, and why speedy justice should not be done to the parties in this behalf.

Witness the Hon. W. Cranch, Chief Judge of the Circuit Court of the District of Columbia, this 27th day of April, 1841.

W. CRANCH.

Served the above on Joseph H. Bradley, Esqr., the attorney of A. F. Howe and others, the appellees in the above, &c.

A. HUNTER,
Marshal.

UNITED STATES OF AMERICA, *ss.* [L. S.]

The President of the United States, to the Judges of the Circuit Court of the United States, for the District of Columbia, in the County of Washington, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea, which is in the said court, before you, or some of you, between Elizabeth Cartwright, plaintiff, and Alexander T. Howe, George T. Richards and William Richards, defendants, a manifest error hath happened to the great damage of the said plaintiff, as by her complaint appears, we, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf—do command you, if judgment be therein given, that under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of August next, in said Supreme Court to be then and there held; and that the record and proceedings aforesaid, being inspected, the said Supreme Court may cause further to be done therein to correct that error, which of right, and according to the laws and custom of the United States, should be done.

Witness the Hon. Roger B. Taney, Chief Justice of said Supreme Court.

Issued this 27th day of April, 1841.

W. BRENT, *Cl'k.*

Style of Court.

DISTRICT OF COLUMBIA, *to wit:*

At a Circuit Court of the District of Columbia, begun and held in and for the County of Washington, at the city of Washington,

on the fourth Monday of March, being the twenty-second day of the same month, in the year of our Lord one thousand eight hundred and forty-one, and of the independence of the United States, the sixty-fifth.

Present: The Hon'ble. William Cranch, Chief Judge; Buckner Thruston and James S. Morsell, ass't. Judges; Alexander Hunter, Esq., Marshal; William Brent, Clerk.

In the record of the proceedings of the said court, among others, are the following, to wit:

Parties.

ELIZABETH K. CARTWRIGHT
vs.
ALEXANDER T. HOWE, GEORGE T. RICHARDS & WM. RICHARDS.

Be it remembered, that heretofore, to wit, on the twenty-ninth day of February, in the year of our Lord one thousand eight hundred and forty, the said plaintiff, by Brent and Brent, Esquires, her attorney, filed in court here a certain writing obligatory, commonly called a replevin deed, and which is in manner and form, and of the tenor following, to wit:

Rep. Bond.

Know all men by these presents, that we, Elizabeth Cartwright, William B. Scott and William Plater, are held and firmly bound, unto Alexander *F.* Howe, George T. Richards and Richards, in the full and just sum of thirty-five hundred dollars, to be paid to the said Alexander *F.* Howe, George T. Richards and William Richards, their certain attornies, executors, administrators and assigns; to the payment whereof, well and truly to be made and done, we jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents; sealed with our seals, and dated this 29th day of February, in the year of our Lord eighteen hundred and forty.

Whereas, the above bound, Elizabeth Cartwright is about to prosecute, and sue forth out of the Circuit Court of the District of Columbia, for the County of Washington, a writ of replevin, to be directed to the Marshal of the District of Columbia, commanding him to replevy two negro boys and two negro girls—the two boys named Samuel and Washington, and the two girls named Sarah and Caroline—of the value of eighteen hundred dollars, the goods and chattles, and property of the said Elizabeth Cartwright, which

the said Alexander *F.* Howe, George T. Richards and William Richards, have taken and unjustly detain, and so forth.

Now, the condition of this obligation is such, that if the above bound Elizabeth Cartwright do and shall well and truly prosecute the said writ of replevin with effect, and shall and will return the goods and chattles, and property aforesaid, if the same be so adjudged, and in all things stand to, abide by, perform and fulfil, the judgment of the court in the premises, then the above obligation to be void, else to be and remain in full force and virtue in law.

[L. S.]
WM. B. SCOTT, [L. S.]
WILLIAM PLATER. [L. S.]

Signed, sealed and delivered in the presence of
ROBERT J. BRENT.

Thereupon, on the day and year aforesaid, the said plaintiff, by her attorney aforesaid, prosecuted and sued forth out of the Circuit Court here, the United States writ of replevin to the Marshal of the District aforesaid directed, in the words and of the tenor following, to wit:

Writ of Replevin.

DISTRICT OF COLUMBIA, *to wit:*

The United States of America, to the Marshal of the District of Columbia, greeting: Whereas, Elizabeth Cartwright, of the County of Washington, hath come into the Circuit Court of the District of Columbia, for the County aforesaid, and found sufficient sureties, as well his clamour to prosecute, as for two negro boys and two negro girls—the two boys named Washington, aged 14 years, and Samuel 12 years; and the two girls named Sarah, aged 18 years, and Caroline, aged 14 or 15—the proper goods and chattles of the said Elizabeth Cartwright, which a certain Alexander *F.* Howe, T. Richards and William Richards, have taken and unjustly detain, against sureties and pledges, &c., (as it is said) to be returned, if the return thereof shall be adjudged.

You are therefore hereby commanded, that the said goods and chattles, being in the county aforesaid, in your said district, you cause to be replevied and delivered to the said Elizabeth Cartwright, and that you put by sureties, and safe pledges, the said Alexander T. Howe, George T. Richards and William Richards, that they be and appear before the said Circuit Court, to be held in and for the county aforesaid, at the city of Washington, on the fourth Monday of March next, to answer unto Elizabeth Cartwright in a plea wherefore they took the goods and chattles of her, the said Elizabeth Cartwright, and them unjustly detains against gauges and pledges, &c.; and how you shall execute this writ, make known

to the said court, at the day and place aforesaid, and have you then and there this writ.

Witness the Honorable William Cranch, Esquire, Chief Judge of the said Court, the 20th of January, 1840.

W. BRENT, *Clk.*

Issued this 29th day of February, 1840.

(BRENT & BRENT.)

March term, 1840.

At which mentioned fourth Monday of March, in the year of our Lord one thousand eight hundred and forty, and the day of the return of the aforegoing writ, comes into the Circuit Court here, the said plaintiff, by her attorney aforesaid; and the marshal of the District aforesaid, to whom the said aforegoing writ was in form aforesaid directed, makes return thereof to the court here, thus endorsed, to wit:

Marshal's return.

"Replevied and delivered as per schedule and receipt."

A. HUNTER,
Marshal.

Defendants' appearance, and rule nar.

And the said defendants, being so forwarned, appear in court here, by Joseph H. Bradley, Esquire, their attorney; and thereupon, on motion of the said defendants, by their attorney aforesaid, it is ruled by the court here that the said plaintiff declare against the said defendants in the plea aforesaid; a judgment by the court here will be entered against her in default thereof. Thereupon, the said plaintiff, by her attorney aforesaid, declares against the said defendants, in the plea aforesaid, in form following, to wit:

Nar.

DISTRICT OF COLUMBIA,
Washington County, to wit:

Alexander *F.* Howe, George T. Richards, and William Richards, were summoned to answer unto Elizabeth K. Cartwright, in a plea wherefore they took two negro boys, named Washington, aged fourteen years, and Samuel, aged twelve years, and two negro girls, named Sarah, aged eighteen years, and Caroline, aged fourteen years, the proper goods and chattles of her, the said Elizabeth K. Cartwright, and unjustly detained them against sureties and pledges; and whereupon the said plaintiff, by Brent & Brent, her attorney,

complains that the said defendants, heretofore, to wit, on the 20th day of January, 1840, at Washington county aforesaid, in a certain place there called Washington city, took two negro boys, one named Washington, aged fourteen years, and Samuel, aged twelve years, and two negro girls, named Sarah, aged eighteen years, and Caroline, aged fourteen years, aforesaid, the property of her, the said plaintiff, and unjustly detained them against sureties and pledges, until, &c., whereby the said plaintiff says she is the worse, and hath damage to the value of one thousand dollars, and therefore she brings suit, &c.

BRENT & BRENT,
For Plaintiff.

JOHN DOE &
RICHARD ROE,
Pledges.

Rule—Plea, and imparlan. to November, 1840.

And the said plaintiff, by her attorney aforesaid, prays that the said defendants to her declaration aforesaid may answer; thereupon, it is ruled by the court here, that the said defendants answer to the declaration aforesaid of the said plaintiff, in the plea aforesaid, or judgment by the court here will be entered against them in default thereof.

And the said defendants, by their attorney aforesaid, defend the force and injury, when, &c., and pray leave of the court here to imparle until the fourth Monday of November next, and then to answer to the declarations aforesaid of the said plaintiff, in the plea aforesaid, and to them it is granted; the same day is given to the aforesaid plaintiff also.

At which mentioned fourth Monday of November, in the year of our Lord one thousand eight hundred and forty, to which said day the said defendants had leave to imparle, and then to answer to the declaration aforesaid of the said plaintiff, in the plea aforesaid, comes again into the Circuit Court here, as well the said plaintiff, by her attorney aforesaid, as the said defendants, by their attorney aforesaid.

Plea, property in deft.

And the said defendants, by their attorney aforesaid, as before, defend the force and injury, when, and so forth, and say, that the said plaintiff her action aforesaid thereof against them, the said defendants, to have or maintain ought not; because they say, that at the time when the taking of the negroes aforesaid in the declaration aforesaid is supposed to be, the property of the said negroes in the said declaration mentioned was in them, the said de-

fendants, and not in her, the said plaintiff, as in said declaration is above supposed; wherefore they pray judgment, if the said plaintiff her action aforesaid thereof against them to have ought; without this, and so forth.

Replication to the above plea.

Thereupon, the said plaintiff, by her attorney aforesaid, says, that she, by reason of any thing by the said defendants by their plea above in pleading alleged, ought not to be barred from having and maintaining her action thereof against them, because she says, that at the time of the taking the negroes in the said declaration mentioned, the property of the said negroes was in her, the said plaintiff, and not in the said defendants, in manner and form as the said defendants have in their said plea in that behalf above alleged; and this she, the said plaintiff, prays may be enquired of by the country; and the said defendants in like manner, and so forth.

Issue joined, and venire facias, to March term, 1841.

Therefore, let a jury thereon appear before the court here, on the fourth Monday of March next, by whom, &c., and who neither, &c., to recognize, &c., because as well, &c.; and the same day is given to the said parties then and there, and so forth.

And now, at this day, to wit, the said fourth Monday of March, in the year of our Lord one thousand eight hundred and forty-one, come again into the Circuit Court here, as well the said plaintiff, by her attorney aforesaid, as the said defendants, by their attorney aforesaid; whereupon, for trying issue above joined, between the parties aforesaid, it is ordered, that twelve persons, from the pannel of petit jurors, returned to the court here by the marshal of the District of Columbia, be called; who, being called, come, to wit:

Jury.

1	James Marshall,	7	Saml. Hanson,
2	John Crockwell,	8	Simeon Matlock,
3	Jabez Travers,	9	Joseph Bryan,
4	William H. Tenny,	10	F. S. Myer,
5	Saml. Drury,	11	Jno. E. Neale,
6	George Marbury,	12	Vincent King.

Who, being empannelled, and sworn to say the truth in the premises, upon their oath do say:

Verdict.

That the property of the said negroes within mentioned, at the within written time of the taking thereof, was in them, the said defendants, as the said defendants within by pleading have alleged.

Damages.

And they assess the damages of the said defendants, by occasion within written, to the sum of one cent, current money.

Judgment.

Therefore, it is considered by the court here, that the said plaintiff take nothing by her writ and declaration aforesaid, but that she be in mercy for her false claim thereof, and that the said defendants go thereof without day; and that the said defendants have a return of the goods and chattles aforesaid, to be detained by them irrepledgable forever, &c.

Costs.

And it is also further considered by the court here, that the said defendants recover against the said plaintiffs, as well the sum of one cent, their damages aforesaid, so as aforesaid by the jury in form aforesaid assessed, to be sustained by occasion of the taking, &c., as the sum of fourteen dollars and twenty cents, for their costs and charges, by them about their defence in this behalf sustained, to the said defendants by the court now here adjudged, according to the form of the statute in such cases made and provided.

Memorandum.

Before the jurors aforesaid withdrew from the bar of the court here, the said plaintiff, by her attorney aforesaid, tendered to the court here her bill of exceptions, and which was by the court here signed and sealed, and which is in form following, to wit:

Plaintiff's 1st Bill of Exceptions.

On the trial of the issue in this cause, the plaintiff having given evidence tending to show, that during the year 1838, and up to the time they were taken by the defendants, the negroes in the said declaration mentioned were in the possession of the plaintiff, rested her case. And thereupon, the said defendants offered in evidence, without objection, the bill of sale from the plaintiff to Wm. Floyd, (copied in page 21,) and the bill of sale of Wm.

Floyd to the defendant, Howe, (copied in page 24,) and the testimony of Wm. Bond, (copied in page 26,) and there rested.

And thereupon, the plaintiff offered to read in evidence the answer of George T. Richards, one of the defendants in this action to the habeas corpus prayed by plaintiff; and the defendant, by counsel, objected thereto, but the court admitted the same, as follows, (copied in page 27;) and thereupon further, the plaintiff, by her counsel, offered to give in evidence, declarations of Wm. Floyd, made in the year 1834 or '35, when the defendant Howe was not present, to which the defendants, by their counsel, objected, but the court overruled the objection and permitted the same to be given to the jury, subject to the objection to its competency to prove any thing in this cause; and the witness thereupon stated, that some time in the year 1834 or 1835, he heard Wm. Floyd say, "*that he had Mrs. Cartwright's negroes conveyed to him; it was a great trouble to him; he wished to return them to her, and he wanted to know how he could do it; for he had enough to do to attend to his own business, without being troubled with other people's, or Mrs. Cartwright's*" —he was not sure which.

The plaintiff, thereupon, further offered evidence, tending to show, that during the year 1834, the plaintiff lived with the said William Floyd, and that during the year 1835, and for a series of years thereafter, the said plaintiff lived with the defendant Howe, and the negroes were at Howe's. That when the said defendant, Howe, received the said bill of sale from Floyd to him, after the same had been recorded, he stated, the said negroes had been transferred to him, as the agent of Mrs. Cartwright, who was his aunt, and that he expected to heir them after her death; and further, that he had, some time in 1837 or 1838, complained that she had taken one of the negroes from him, mentioned in the bill of sale, and he thought it was very hard, as he had made some advances to her, or something to that effect.

The defendant then offered evidence, tending to show, that in the year 1838, the plaintiff and defendant Howe (who was a nephew of the plaintiff) separated, and that Howe put her on his land and let her have some of the said negroes, mentioned in the said bill of sale to him, to assist in her support; and himself contributed to her support.

And after the whole evidence in the said cause had been given to the jury, the defendants, by their counsel, prayed the court to instruct the jury, that the said declarations of the said Floyd are not competent or admissible evidence in this cause; which instruction the court gave as prayed; to which the plaintiff excepts, and this, her bill of exceptions, is signed, sealed, and ordered to be enrolled, this 21st day of April, 1841.

W. CRANCH, [L. S.]
B. THRUSTON, [L. S.]
JAS. S. MORSELL. [L. S.]

Pl'ff's 2d Bill of Exceptions.

Pl'ff's 2nd Bill of Exceptions.

And the defendants, by their counsel, further prayed the court to instruct the jury, that from the evidence aforesaid, it was not competent for them to infer a re-conveyance of the said negroes to the said plaintiff; which instruction the court also gave as prayed; to which the plaintiff also excepts, and this, her bill of exceptions, is signed, sealed, and enrolled, this 21st of April, 1841.

W. CRANCH, [L. S.]
B. THRUSTON, [L. S.]
JAS. S. MORSELL. [L. S.]

Pl'ff's 3d Bill of Exceptions.

Pl'ff's 3d Bill of Exceptions.

Whereupon, the plaintiff, by her counsel, prayed the court to give the jury the following instruction: "if the jury believe, from the evidence aforesaid, that the plaintiff conveyed the negroes in dispute, as well as nine others, for the nominal or real consideration of $800 to Floyd, upon his undertaking to manage them for her use and benefit, and that at the time the said Floyd intended to deceive and defraud the said plaintiff out of said negroes, by selling them to others, and that he sold them to defendant Howe, with full notice of the trust or agreement of Floyd, then the said bill of sale to Floyd was obtained by fraud, and the defendant Howe could derive no title under it;" which instruction the court refused, being of opinion, that the said evidence did not authorize the jury to infer fraud in the obtaining the aforesaid deed or bill of sale of said negroes, from the plaintiff to the said Floyd; to which refusal the plaintiff excepts, and this, her bill of exceptions, is signed, sealed, and ordered to be enrolled, this 21st of April, 1841.

W. CRANCH, [L. S.]
JAS. S. MORSELL. [L. S.]

Pl'ff's 4th Bill of Ex'ps.

Pl'ff's 4th Bill of Exceptions.

Whereupon, the plaintiff, by her counsel, prayed the court to instruct the jury as follows, viz: if the jury believe, from the evidence aforesaid, that the defendant Howe did not exercise any claim over the negroes in dispute, for more than three years before he took them under his bill of sale, and that during the whole of said years, the plaintiff claimed the title to, and possession of, said slaves, in her own right, to the exclusion of the rights and claim

of the defendant under the said bill of sale, and for that time exercised and claimed exclusive ownership and possession of said slaves, to the knowledge of said Howe, then the plaintiff is entitled to recover; but the court refused to give the same, being of opinion, that the said evidence did not authorize the jury to infer that the said possession of the plaintiff, and the said acts of ownership by her, if proved to the satisfaction of the jury, were inconsistent with, or exclusive of, the rights and claim of the defendant Howe, or of the said Floyd; to which refusal the plaintiff excepts, and this, her bill of exceptions, is signed, sealed, and ordered to be enrolled, this 21st of April, 1841.

W. CRANCH, [L. S.]
JAS. S. MORSELL. [L. S.]

Pl'ff's 5th Bill of Ex'ps.

Pl'ff's 5th Bill of Exceptions.

Whereupon, the plaintiff, by her counsel, prayed the court to give the jury the following instruction, viz: that an uninterrupted enjoyment and possession of the negroes in dispute, by the plaintiff, adverse to Howe, for more than three years at one time, before the bringing of this suit, vests the title to said negroes in plaintiff, which the court refused to give; to which refusal the plaintiff excepts, and this, her bill of exceptions, is signed, sealed, and ordered to be enrolled, this 21st of April, 1841.

W. CRANCH, [L. S.]
JAS. S. MORSELL. [L. S.]

Plff's 6th Bill of Exceptions.

Plaintiff's 6th Bill of Exceptions.

Whereupon the defendant prayed the court to instruct the jury, that the evidence aforesaid, if believed by the jury, the plaintiff is not entitled to recover upon this issue in this cause; which instruction the court gave, to which the plaintiff excepts, and this her bill of exceptions is signed, sealed and ordered to be enrolled, this 21st day of April, 1841.

B. THRUSTON, [L. S.]
JAS. S. MORSELL. [L. S.]

Bill of sale from Elizabeth K. Cartwright to Wm. Floyd, referred to in plff's 1st exception, page ( ) to wit:

Know all men by these presents, that I, Elizabeth K. Cartwright, of Saint Mary's county in the State of Maryland, for and in con-

sideration of the sum of eight hundred dollars lawful money, to me in hand paid by William Floyd, of the county and State aforesaid, at and before the sealing and delivery hereof, the receipt whereof I do hereby acknowledge, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said William Floyd, his executors, administrators and assigns, one negro man named Peter, one ditto George, one ditto Frank, one ditto Jacob, one negro woman Rachael, one ditto Cely, one ditto Sarah Ann, one negro girl Caroline, one ditto Nancy, one ditto Eliza Ann, one negro boy Robert Washington, one ditto Samuel Thomas, one ditto Philip and one ditto William; all which property is now in my possession. To have and to hold the same described property above bargained and sold to the said William Floyd, his executors, administrators and assigns forever, to his and their only proper use and behoof. And I, the said Elizabeth K. Cartwright, for myself, my heirs, executors and administrators, shall and will warrant and forever defend by these presents, to the said William Floyd, his executors, administrators and assigns, the said described property, against me, my executors and administrators, and against all and every other person or persons whomsoever claiming the same or any part thereof.

In testimony whereof, I have hereunto subscribed my name and affixed my seal, the twenty-second day of March, in the year of our Lord eighteen hundred and thirty-four.

her
ELIZABETH ⋊ CARTWRIGHT. [L. S.]
mark

Signed, sealed and delivered in presence of
HOLCH TURNER.

MARYLAND, *St. Mary's County, to wit:*

On this twenty-second day of March, 1834, before me, one of the Justices of the Peace, in and for said county, appears Elizabeth K. Cartwright, and acknowledges the foregoing instrument of writing to be her act and deed, according to the true intent and meaning thereof, and the act of Assembly in such case made and provided.

Acknowledged before
HOLCH TURNER.

Rec'd the 7th day of April, 1834, at half past 2 o'clock, P. M. to be recorded; the same day recorded and examined by me.
JO. HARRIS, *Clk.*

ST. MARY'S COUNTY, *to wit:*

I hereby certify, that the aforegoing is truly taken from liber J.

H., No. 10, folios 68 and 69, one of the land records of Saint Mary's county.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, this seventeenth day of February, eighteen hundred and forty. [L. S.]

JOS. HARRIS, *Clk. St. Mary's Co.*

Bill of sale from William Floyd to Alex'r *F.* Howe, referred to in plff's 1st exception, (page 15,) to wit:

Know all men by these presents, that I, William Floyd, of Saint Mary's county and State of Maryland, for and in consideration of the sum of eight hundred dollars in hand paid by Alexander *F.* Howe of said county, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said Alexander *F.* Howe, his executors, administrators and assigns, the following negroes, to wit, one negro man Peter, one ditto Frank, one ditto Jacob, one negro woman Rachael, one ditto Sarah Ann, one negro girl Caroline, one ditto Nancy, one negro boy Robert Washington, one ditto Samuel Thomas. To have and to hold all and singular the above described property, above bargained and sold, or mentioned, or intended so to be, to the said Alexander *F.* Howe, his executors, administrators and assigns forever. And I, the said Wm. Floyd, for myself, my heirs, executors and administrators, all and singular the said property unto the said Alexander *F.* Howe, his executors, administrators and assigns against me, the said William Floyd, executors and administrators, and against all and every other person or persons whatsoever, shall and will warrant, and forever defend by these presents.

In testimony whereof, I have hereunto set my hand and seal, this 8th day of December, eighteen hundred and thirty-five.

WM. FLOYD. [L. S.]

Signed, sealed and delivered in the presence of
T. H. MILES.

SAINT MARY'S COUNTY.

Be it remembered, that on this 8th day of December, 1835, before the subscriber, a Justice of the Peace for said county, appears William Floyd, and acknowledges the above instrument of writing to be his act and deed, according to the true intent and meaning thereof.

Acknowledged before

T. H. MILES.

Received the 16th day of December, 1835, at 2 o'clock, P. M., to be recorded; the same day recorded and examined by me.

JO. HARRIS, *Clk. Ct.*

SAINT MARY'S COUNTY, *to wit:*

I hereby certify, that the within is truly copied from liber J. H., No. 10, folio 363, one of the land records of Saint Mary's county. In testimony whereof, I have hereunto set my hand [L. S.] and affixed the seal of my office, this 17th February, 1840.

JO. HARRIS, *Clk. St. Mary's Co.*

Wm. Bond's Testimony.

Testimony of William Bond, referred to in Plaintiff's 1st Exception, page 15, to wit:

It is agreed, that if William Bond was present, he would testify, that prior to March, 1834, the negroes in dispute were in the possession of William Floyd, the same who executed the bill of sale to Alexander *F.* Howe, and the same to whom the bill of sale was executed and delivered by the said Elizabeth K. Cartwright; that they were afterwards in the possession of the said Alexander *F.* Howe, and that while they were in his possession, she, Mrs. Cartwright, the plaintiff, say they belonged to Sandy Howe, (meaning the said Alexander F. Howe,) and that he has heard the said Alexander F. say in the presence of said Elizabeth, that he had paid on account of, and advanced to the said Elizabeth K. large sums of money, and that she admitted it.

And this statement shall be received in evidence, the same as if the said witness was examined in open court.

It is further agreed, that Hotch Turner, the subscribing witness to, and the justice who took the acknowledgment of Mrs. Cartwright to the bill of sale to Wm. Floyd, has removed to the south, beyond the jurisdiction of this court, and is now dead, and that the certified copies from the records shall be read in evidence, and that the copy of the record of the bill of sale from Wm. Floyd to Alexander *F.* Howe, shall also be read in evidence without further proof of the due execution of either of them.

JOS. H. BRADLEY, *for Def'ts.*

Agreed to receive it, subject to the privilege of contradicting the statement.

BRENT & BRENT.

Answer of George T. Richards, to Habeas Corpus referred to in plaintiffs, 1st exception (page 15,) to wit:

To the Honorable William Cranch, Chief Judge of the Circuit Court of the District of Columbia.

The return of George T. Richards to the Habeas Corpus this day issued by your honor, requiring this respondent to have the bodies of negroes, Washington, aged 14 years, Samuel, aged 12 years, Jacob, aged 18 years, and Caroline, aged 15 years, respectfully sheweth:

That he has herewith the bodies of the said negroes respectively, and for the cause of their caption and detention, he says that he is informed and verily believes the said negroes are slaves for life; that they belong to Howe, of the County of Saint Mary's and State of Maryland; that he has contracted with the said Howe for the purchase of the said negroes, and has given him security to pay for them if the title to them shall appear to be good, and they have been delivered to him, by the said Howe, under the said contract, and thus he holds them and not otherwise; he further submits, that they never have at any time pretended to any title to their freedom, now or at any future day; that they do not pretend to deny, that they were born slaves for life, and still continue so; that they were delivered to him as property, and he is advised that they are not entitled to the writ of Habeas Corpus, yet he is willing to receive, submit to, and abide by what may by your honor be considered of them in the premises.

GEORGE T. RICHARDS.

And whereas afterwards, to wit, on the day of in the year of our Lord one thousand eight hundred and forty-one, the said Elizabeth K. Cartwright, by her attorney aforesaid, produced and filed in court here, the United States writ for the correcting of errors, of and upon the judgment aforesaid, directed to the judges of the circuit court of the District of Columbia, sitting for the County of Washington; and in pursuance thereof, and according to the form and effect of the law in such case made and provided, a transcript of the records of the proceedings aforesaid, and all things thereunto relating, with the writ of error aforesaid, and a copy of the appeal bond hereunto annexed, is hereby transmitted to the Supreme Court accordingly.

In testimony whereof, I have hereunto subscribed my [L. S.] name, and affixed the seal of the said court, at the City of Washington, this *this* 30th day of July, 1841.

W. BRENT, *Clk.*